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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/830,816 | 04/27/2001 | Ahti Muhonen | P279256 | 2170 |

909 7590 08/09/2005

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EXAMINER

DAO, MINH D

| ART UNIT | PAPER NUMBER |
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2682

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|--------------------------------|--|
| Office Action Summary | Application No. 09/830,816 | Applicant(s) MUHONEN ET AL. | |
| | Examiner MINH D. DAO | Art Unit 2682 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment made to claims 1 and 16 received on 07/13/2004 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8,14,15,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huttunen et al. (US 6,356,761) in view of Forslow (US 6,608,832).

Regarding claim 1, Huttunen teaches a method for providing location service information related to a mobile station in a mobile communications system (see fig. 3; col. 2, lines 1-48) supporting connections of a first type and a second type (see col. 3, lines 1-7), the method comprising: receiving a request from a requesting entity;

retrieving the location service information related to the mobile station; and providing a response to the request (see col. 3, lines 8-26); and performing, in the retrieving step, at least a first attempt to retrieve the location service information (see col. 2, lines 42-48) via the preferred type of connection (see col. 3, lines 1-7, and 27-35). Huttunen also teaches determining a type of connection based on the first set of predetermined criteria (see col. 6, line 62 to col. 7, line 14). However Huttunen fails to teach the determining a preferred type of connection. Forslow, in an analogous art, teaches determining a preferred type of bearer (i.e. connection) based on the quality of service parameters or the time delay of the application or the natures of the application (i.e. the real time service or non-realtime service) (col. 5, line 52 to col. 6, line 47). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the teaching of Forslow to Huttunen in order to provide better service for different types of applications regarding time of service as suggested by Forslow.

Regarding claim 2, the combination of the teachings of Huttunen and Forslow teaches the method of claim 1 wherein the first set of predetermined criteria is determined by checking whether the mobile station currently has an active connection via at least one type of connection (reference Forslow, col. 5, lines 52-65).

Regarding claim 3, the combination of the teachings of Huttunen and Forslow teaches the method of claim 2 wherein the checking is based on examining the request (reference Huttunen, col. 3, lines 1-35).

Regarding claim 4, the combination of the teachings of Huttunen and Forslow teaches the method of claim 1, wherein if the first attempt results in a failure, a second set of predetermined criteria is determined based on a reason for the failure, and the retrieving comprises performing a second attempt via remaining types of connection in response to fulfillment of the second set of predetermined criteria (see Forslow, col. 12, line 56 to col. 13, line 27).

Regarding claim 5, the combination of the teachings of Huttunen and Forslow teaches the method of claim 4, wherein the second set of predetermined criteria is fulfilled if: the first attempt fails but the reason for the failure is not "service not allowed"; and the second attempt via the remaining type of connection has not been unsuccessfully performed earlier (see Forslow, col. 12, line 56 to col. 13, line 27).

Regarding claim 6, the combination of the teachings of Huttunen and Forslow teaches the method of claim 1, wherein the first type of connection is circuit-switched and the second type of connection is packet-switched (reference Huttunen, Col. 3, lines 1-7).

Regarding claim 7, the combination of the teachings of Huttunen and Forslow teaches the method of claim 6, wherein if the mobile station is having an ongoing call, the

preferred type of connection is circuit-switched, otherwise it is packet-switched (reference Forslow, col. 6, lines 34-47).

Regarding claim 8, the combination of the teachings of Huttunen and Forslow teaches the method of claim 6, further comprising establishing circuit-switched communications for the mobile station if the packet-switched communications are not established (reference Forslow, col. 6, lines 34-47).

Regarding claim 14, the combination of the teachings of Huttunen and Forslow teaches the method of claim 1 wherein the request is received by a Gateway Mobile Location Centre (reference Huttunen, see Fig. 3, ISP 42), and the method further comprises retrieving, by the Gateway Mobile Location Centre the location service information via a Mobile Services Switching Centre (reference Huttunen, see col. 3, lines 8-26), which in turn retrieves the location service information via a Serving Mobile Location Centre, directly, if a circuit-switched connection has been established for the mobile station, and, otherwise, indirectly, via a Serving GPRS Support Node (reference Huttunen, see Fig. 3, col. 6, lines 27-60).

Regarding claim 15, the combination of the teachings of Huttunen and Forslow does not directly teach the limitations of claim 15. However, it would be obvious that, referring to Fig. 3 of Huttunen, the method of claim 14 above further comprising sending from the Gateway Mobile Location Centre to the Mobile Services Switching Centre the address

of the Serving GPRS Support Node in order for all portions of the system to communicate with each other.

Regarding claim 16, the claim has the limitations as that of claim 1, and therefore is interpreted and rejected for the same reason set forth in claim 1.

Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huttunen et al. (US 6,356,761) in view of Forslow (US 6,608,832) and further in view of Billstrom et al. (US Patent 5,590,133).

Regarding claim 9, the combination of the teachings of Huttunen and Forslow teaches that the first type of connection is circuit-switched and the second type of connection is packet-switched (reference Huttunen, Col. 3, lines 1-7). However, the combination of the teachings of Huttunen and Forslow fails to teach that the method of claim 6 further comprises establishing at least one implicit Packet Data Protocol context. Billstrom, in an analogous art, teaches an establishing of at least one implicit Packet Data Protocol context (Col. 18, lines 28-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the teaching of Billstrom to Huttunen and Forslow in order to have a communication system that would be able to provide integrated system concept that provides the new packet data services using TDMA cellular infrastructures to the extent with packet data functional performance requirements as taught by Billstrom (Col. 3, lines 62-67).

Regarding claim 10, the combination of the teachings of Huttunen, Forslow and Billstrom teaches the method of claim 9 wherein establishing the Packet Data Protocol context includes allocating a predefined Network layer Service Access Point Identifier value (Reference Billstrom, Col. 18, lines 12-19).

Regarding claim 11, the combination of the teachings of Huttunen, Forslow and Billstrom teaches the method of claim 9 further comprises establishing at least one implicit Packet Data Protocol context between the mobile station and a support node (Reference Billstrom, Col. 18, lines 8-11).

Regarding claim 12, the combination of the teachings of Huttunen, Forslow and Billstrom teaches the method of claim 9 further comprises establishing at least one implicit Packet Data Protocol context between the support node and a Serving Mobile Location Centre currently serving the mobile station (Reference Billstrom, Col. 18, lines 28-32; Also see Fig.16).


Regarding claim 13, the combination of the teachings of Huttunen, Forslow and Billstrom teaches the method of claim 9 further comprises establishing at least one explicit Packet Data Protocol context between the support node and a Serving Mobile Location Centre currently serving the mobile station (Reference Billstrom, Col. 18, lines 28-32; Also see Fig.16).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D. DAO whose telephone number is 571-272-7851. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NICK CORSARO can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Minh Dao 
Art Unit 2682
July 24, 2005


NICK CORSARO
PRIMARY EXAMINER